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**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF UTAH  
SOUTHERN DIVISION**

**IN RE:**

**CASE: 19-26233**

RUSSELL CARTER FELLER  
JANELL KAYE FELLER

**CHAPTER 13**

**Debtors**

**Hon. WILLIAM T. THURMAN**

Confirmation Hearing: 1/16/20 10:30 am

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**TRUSTEE'S CONTINUING OBJECTION TO CONFIRMATION**

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Lon A. Jenkins, Chapter 13 Trustee, hereby objects to confirmation of the Debtor's plan and in support thereof represents as follows:

1. The Debtors filed a Chapter 13 petition for relief on August 25, 2019 and the First Meeting of Creditors under section 341 was continued and held on October 18, 2019.
2. The Debtor has not made the increased payment of \$263 for December and paid the \$100 amount resulting in delinquency.
3. The Debtors must still comply with the document turnover in the December 2, 2019 order continuing confirmation.

4. The payment listed on Schedule J for 2013 Chevrolet does not match payment listed on claim 3 - the Debtors should provide evidence of the current monthly payment on the vehicle.

**Restatement of Issues from Prior Objection(s)**

5. The plan was not served on all parties-in-interest as required by Fed R. Bankr. P. 2002(a) and 3015(d).

6. The Debtor(s) failed to timely open a separate bank account for the withholding of state and federal taxes from wages of employees, payment of FICA and FUTA, unemployment insurance, and any other tax the Debtor(s) are required to collect and remit; and the Debtor(s) failed to notify the IRS and USTC of the location and account numbers of the respective trust accounts (see Local Rule 6070-1(a)(1)-(3)). **(Part of 12/2/2019 Order)**

7. Schedule A/B fails to fully disclose and value the following property of the estate: Business value. **(Part of 12/2/2019 Order)**

8. The Trustee projects that the Debtor(s) direct payment(s) to satisfy auto loan(s), will end within 60-months. The Debtor(s) should provide the Trustee with evidence as to the loan balance(s) as of the petition date, and propose to increase the plan payment by the same amount as the loan repayment once such claims have been paid in full. See *In re Kofford*, Slip Copy, 2012 WL 6042861 (Bankr. D. Utah Dec. 4, 2012) (Thurman).

9. The Debtor(s) are engaged in business under § 1304, and it appears that they have not provided for the quarterly payment to the IRS of self-employment taxes. The failure to pay such taxes may result in a post-petition tax liability which may make it difficult to make payments under the Plan. The Trustee request verification of a segregated bank account to hold such self-employment taxes. The Trustee may request status updates on the quarterly payments being made or continued to be held in the segregated bank account. **(Part of 12/2/2019 Order)**

10. The Trustee requests the Debtor(s) provide proof of ongoing income. **(Part of 12/2/2019 Order)**

11. The following creditor objection(s) remain unresolved: Wilmington Savings.

12. The Debtor must establish that the plan is feasible as proposed. Based upon the \$600,000.00 value represented in Part 8.1(11) of the plan, there does not appear to be sufficient equity to pay the secured and priority claims in addition to the return to unsecured creditors. The Trustee requests that the Debtor provide evidence of the value of the real property located at 885 North Old Farms Road Dammeron Valley, Utah 84783. **(Part of 12/2/2019 Order)**

WHEREFORE, the Trustee objects to confirmation of the Debtor's plan. If the Debtors are unable to resolve the objection by the confirmation hearing, the Trustee will move to dismiss or convert the case.

Dated: December 31, 2019

Tami Gadd-Willardson  
Chapter 13 Trustee

### **CERTIFICATE OF SERVICE**

A true and correct copy of the foregoing Objection to Confirmation was served on the following parties on December 31, 2019:

RUSSELL CARTER FELLER and JANELL KAYE FELLER, 885 NORTH OLD FARMS ROAD,DAMMERON VALLEY, UT 84783

JANELL KAYE FELLER, 885 NORTH OLD FARMS ROAD,DAMMERON VALLEY, UT 84783

RED ROCK LEGAL SERVICES, PLLC, ECF Notification

/s/ Tami Gadd